



Kentucky Board of Medical Licensure Newsletter

Hurstbourne Office Park, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222
Website: kbml.ky.gov

Summer 2007

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Practice Guidelines for Physicians Who Enter Into Collaborative Practice Agreements with ARNPs

In 1996, the Kentucky General Assembly amended the Nursing Practice Act, KRS Chapter 314, to grant authority to Advanced Registered Nurse Practitioners (ARNPs) to prescribe legend medications under specified circumstances. In 2006, the General Assembly extended this prescriptive authority for ARNPs to include the authority to prescribe controlled substances under specified circumstances. One circumstance that is required for any ARNP to prescribe legend or controlled substances is the statutory requirement that the ARNP enter into and continue in a "collaborative agreement" with a licensed physician.

The legislative intent in requiring this "collaborative agreement" would appear to be to provide a physician's guidance to the ARNP and to add a layer of protection for patients receiving prescriptions from ARNPs. However, the statute does not define the nature of the collaborative agreement or provide any guidance regarding the required contents or scope of such agreements.

As an initial matter, the Kentucky Board of Medical Licensure (KBML) concludes that entry into and maintaining a collaborative agreement with an ARNP who is licensed in Kentucky, for the purpose of allowing that ARNP to prescribe medications to patients in Kentucky, constitutes "the practice of medicine," as that term is defined by KRS 311.550(10). Accordingly, the licensed physicians referred to by the statute and who enter into such collaborative agreements must be licensed to practice medicine/osteopathy in Kentucky. Any physician who enters into a collaborative agreement, and who is not licensed to practice medicine/osteopathy within the Commonwealth, would be subject to criminal prosecution pursuant to KRS 311.560.

Physicians who are licensed in the Commonwealth are subject to disciplinary action by the KBML upon proof that they have violated any provision of KRS 311.595. Under KRS 311.595(9), as that term is illustrated by KRS 311.597(4), a physician's license may be disciplined by KBML if they engage in conduct which departs from, or fails to conform to the standards of acceptable and prevailing medical practice within the Commonwealth.

In order to provide guidance to any physician who intends to enter into or does enter into a collaborative agreement with an ARNP to permit that ARNP to prescribe legend medication and/or to prescribe controlled substances, the KBML at its June 14, 2007, meeting adopted guidelines regarding the minimal standards of acceptable and prevailing medical practice relating to collaborative agreements within the Commonwealth. Physicians should note that the applicable statutes require that ARNPs have separate collaborative agreements for prescribing legend medications and for prescribing controlled substances. Guidelines can be found on the KBML's website at www.kbml.ky.gov.

Board Actions Report (Actions taken since 3/30/2007)

Atley D. Adkins, M.D., Pikeville, KY, #21618

Agreed Order of Indefinite Restriction entered into 5/8/07.

James E. Carter, M.D., Tompkinsville, KY, #12497

Order Terminating Agreed Order issued 5/9/07.
Agreed Order of Retirement entered into 5/9/07.

Kent L. Davis, M. D., Paris, KY, #20186

Second Amended Agreed Order of Indefinite Restriction entered into 6/12/07.

Gregory G. Duma, M. D., Covington, KY, #28974

Second Amended Agreed Order of Indefinite Restriction entered into 6/26/07.

Victor A. Dunn, P.A.-C., Owensboro, KY, #PA340

Amended Agreed Order of Probation entered into 6/20/07.

Stephen L. Edge, M.D., Ashland, KY, #27031

Agreed Order of Indefinite Restriction entered into 5/14/07.

Wrenda B. Gallien, M.D., Louisville, KY, #35312

Order of Suspension issued 4/25/07.

John C. Gunn, M.D., Maysville, KY, License #39884

Interim Agreed Order entered into 6/26/07.

Michael K. Herrin, M. D., Out of State, License #28219

Agreed Order of Probation entered into 5/30/07.

Gary L. Higgason, M.D., Lexington, KY, #22759

Amended Agreed Order of Suspension and Probation entered into 5/8/07.

James K. Holbrook, M.D., Out of State, #27278

Agreed Order of Surrender entered into 6/25/07.

Homer A. Holt, M.D., Louisville, KY, #14152

Agreed Order of Indefinite Restriction entered into 6/8/07.

Thomas G. Hughes, M.D., Louisville, KY, #34678

Amended Agreed Order of Indefinite Restriction entered into 6/18/07.

Michael A. McClurg, M.D., Edgewood, KY, #37320

Agreed Order entered into 6/19/07.

Thomas J. Moore, M.D., Corbin, KY, #22596

Amended Agreed Order of Indefinite Restriction entered into 6/12/07.

John L. Myers, M.D., Paducah, KY, #31780

Second Amended Agreed Order of Indefinite Restriction entered into 4/27/07.

James W. Price, D.O., Madisonville, KY, #02566

Order Terminating Agreed Order of Indefinite Restriction issued 5/3/07.

Alan D. Shultz, M.D., Mt. Sterling, KY, #30784

Agreed Order of Indefinite Restriction entered into 5/11/07.

Charles E. Swanson, II, D.O., Ashland, KY, #IP905

Agreed Order of Indefinite Restriction entered into 6/21/07.

Ronald H. Thompson, M.D., Boca Raton, FL, #20013

Order of Fine and Reprimand issued 4/20/07 – effective 4/23/07.

Philip C. Trover, M.D., Earlington, KY, #19252

Amended Agreed Order entered into 5/9/07.

Subhash A. Vyas, M.D., South Williamson, KY, #20556

Agreed Order of Indefinite Restriction entered into 5/21/07.

William Harry Wagner, Jr., M.D., Middlesboro, KY, #14209

Agreed Order of Indefinite Restriction entered into 6/21/07.

Ross Waterfield, M.D., Out of State, #40400

Agreed Order entered into 5/30/07.

C. Milton Young, M.D., Louisville, KY, #13295

Agreed Order of Indefinite Restriction entered into 4/19/07.

Restrictions have also been placed on the following physician's license pending resolution of charges brought against this physician:

Betty Lew Anderson, M. D., Bardstown, KY, #22689

Emergency Order of Suspension issued 6/26/07 – effective 6/27/07.

Mansoor A. Sheikh, M.D., Out of State, #34644

Complaint and Emergency Order of Suspension issued 5/11/07 – effective 5/14/07.

Clarification on Suturing and Closing for Non-licensed/Certified Personnel

Recently, the Board received an inquiry from a Kentucky hospital requesting clarification on whether it was appropriate for a surgical scrub/technologist to assist in suturing and closing during a surgical procedure. Prior to the consideration of the KBML, the Kentucky Surgical Assistant Advisory Committee initially reviewed the matter.

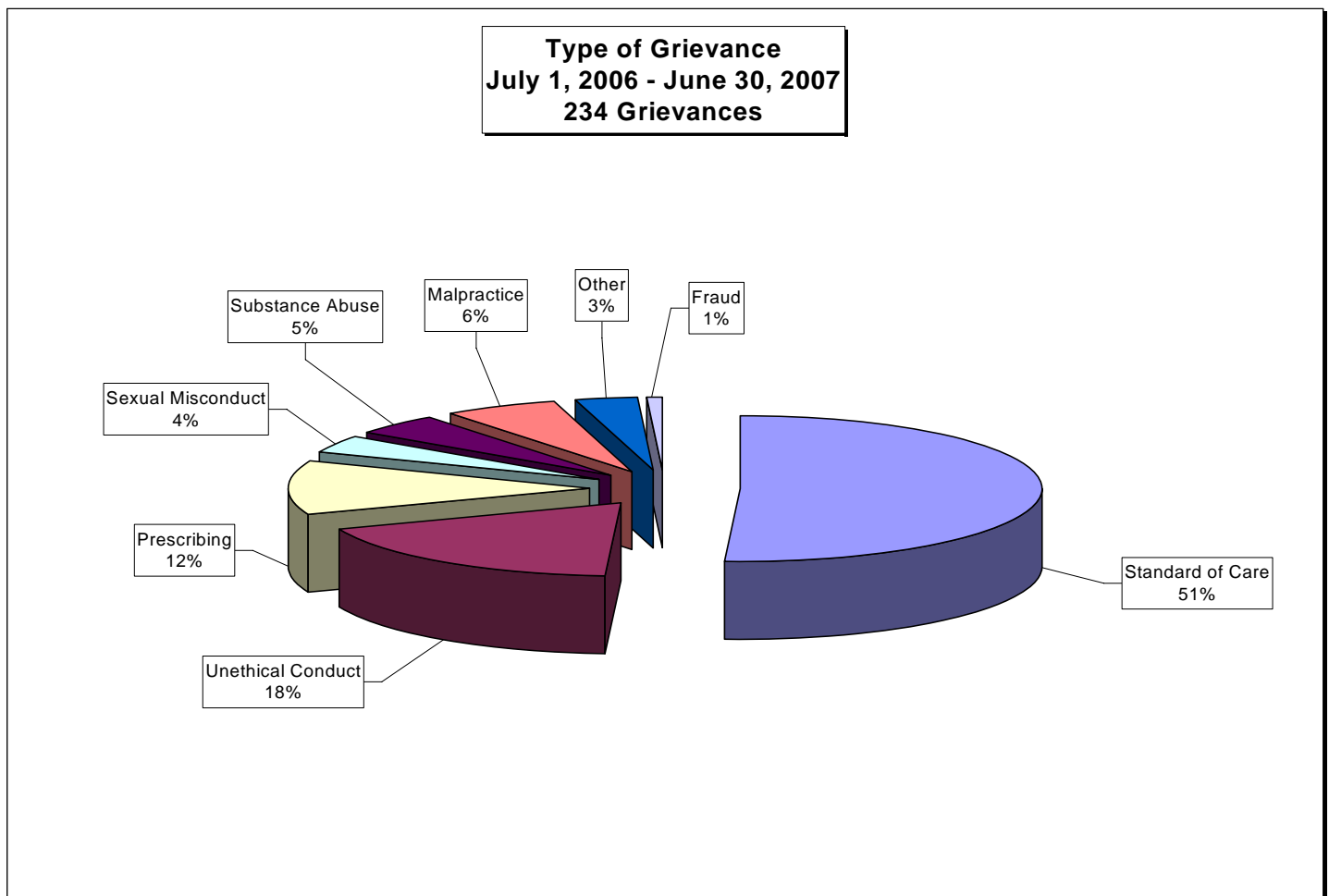
After review of this information, it is the opinion of the KBML that suturing and closing during a surgical procedure is the practice of medicine and should only be performed by a licensed physician or an individual appropriately certified or licensed to perform the activities under the direct supervision of a physician.

Board Member Passes Away

It is with sadness that we must convey the news that John A. Strosnider, D.O., Dean, Pikeville College School of Osteopathic Medicine passed away on June 21, 2007. Dr. Strosnider served on the KBML for seven years. He will be remembered as a passionate, strong-minded, supportive and caring leader and will be greatly missed.

Types of Grievances

By statute the KBML is responsible for investigating all grievances filed against physicians who hold an active Kentucky medical or osteopathic license. The chart below depicts the type of grievances received in the KBML's office against physicians practicing in the state during the past fiscal year.



Kentucky Board of Medical Licensure

Change of Address Notice

Please Note: The information that you provide on this Change of Address Notice will be used to update your profile on the Board's web site at kbml.ky.gov.

(Please Print or Type Information)

Date: _____

KY License Number: _____

Name: _____
(last) (first) (m.i.)

Mailing Address: _____
(street)

(city) (state) (zip)

KY Practice County: _____ **Office Telephone:** _____

Practice Address: _____
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